**THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY**

**Writ Petition No.27606 OF 1998**

**Dated: 20-03-2007**

**Between:**

Battu Nagaratnamma and ors.
**…..PETITIONERS**

**AND**

The Commissioner of Endowments, Tilak Road,
Hyderabad and ors. **...RESPONDENTS**

**THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY**

**W.P.No.27606 of 1998**

**ORDER:**

In this writ petition the petitioners have questioned the instructions issued by the Assistant Commissioner, Endowments Department, Ongole to the Station House Officer for providing police protection to the sitting tenants of the lands belonging to Sri Kasivisweswara Swamy Temple, Gollapudi.

However, it is to be seen that by virtue of Section 82 of A.P. Charitable & Hindu Religious Institutions And Endowments Act, 1987 as amended by Act 27 of 2002 with effect from 27-8-2002 any lease of agricultural land belonging or given or endowed for the purpose of any institutions or endowment subsisting on the date of commencement of this act shall, notwithstanding anything in any other law for the time being in force, held by a person who is not a land less poor person stands cancelled. Only protection is given to the small and marginal farmers for purchase at the value of 75% of the market value.

In that view of the matter, the very lease as agreed by the petitioners stands cancelled and the subject matter has become infructuous. Accordingly, the writ petition is closed. But, however if any of the petitioners are small farmers, it is open for them to claim the benefit as provided under Section 82 (2) of the Act and its proviso and explanation thereto. No costs.

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(R.SUBHASH REDDY,J

Date:20-03-2007
grk

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